February 17, 1998. Pursuant to 37 C.F.R. § 1.17, a check in the amount of $1190.00 is enclosed, which includes the processing fee ($950.00) for a three-month extension of time. If the check is inadvertently omitted, or should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed materials, or should an overpayment be included herein, the Assistant Commissioner is authorized to deduct or credit said fees from or to Arnold, White & Durkee Deposit Account No. 01-2508/INRP:041/HYL.

AMENDMENTS

In the Claims

Please cancel claims 15, 21-25, 78 and 79 without prejudice or disclaimer and amend the remaining claims as indicated below:

1. (Twice amended) A method [for treating] of inhibiting growth of a p53-positive tumor cell in a mammlian subject with a solid tumor comprising the steps of :

(a) providing [an] a viral expression construct comprising a promoter functional in eukaryotic cells and a polynucleotide encoding a functional p53 polypeptide, wherein said polynucleotide is positioned sense to and under the control of said promoter; and

(b) directly administering said viral expression construct to said tumor *in vivo*, the administration resulting in expression of said functional p53 polypeptide in cells of said tumor and inhibition of tumor cell growth,

wherein said tumor comprises cells that express a functional p53 polypeptide.

2. (Amended) The method of claim 1, wherein said [malignancy] tumor is selected from the group consisting of a [squamous cell] carcinoma, a glioma, a sarcoma, and a melanoma.

5. (Amended) The method of claim 1, wherein said [expression construct is a viral vector] tumor is a tumor of the lung, skin, prostate, liver, testes, bone, brain, colon, pancreas, head and neck, stomach, ovary, breast or bladder.

6. (Amended) The method of claim [5] 1, wherein said viral [vector] expression construct is selected from the group consisting of a retroviral vector, an adenoviral vector and an adeno-associated viral vector.

38. (Amended) A method for [treating] inhibiting microscopic residual [cancer] tumor cell growth in a mammalian subject comprising the steps of:

(a) identifying a [patient] mammalian subject having a resectable tumor:

(b) resecting said tumor; and

(c) [contacting] administering to a tumor bed revealed by resection [with an] a viral expression contruct comprising a promoter functional in eukaryotic cells and a polynucleotide encoding a functional p53 polypeptide, wherein said polynucleotide is positioned sense to and under the control of said promoter, the administration resulting in expression of said functional p53 polypeptide in said tumor cells and inhibition of their growth.

B53

42. (Amended) The method of claim 38, wherein said [expression construct is a viral vector] tumor is a tumor of the lung, skin, prostate, liver, testes, bone, brain, colon, pancreas, head and neck, stomach, ovary, breast or bladder.

B54

43. (Amended) The method of claim [42] 38, wherein said viral [vector] expression construct is selected from the group consisting of a retroviral vector, an adenoviral vector and an adeno-associated viral vector.

74. (Amended) A method for [treating] inhibiting growth of a p53-positive tumor cell in a mammalian subject having a solid tumor comprising the steps of:

B55

(a) surgically revealing said tumor; and

(b) [contacting] directly administering to said tumor [with an] a viral expression construct comprising a promoter functional in eukaryotic cells and a polynucleotide encoding a functional p53 polypeptide, wherein said polynucleotide is positioned sense to and under the control of said promoter, the administration resulting in expression of said functional p53 polypeptide in said tumor cells and inhibition of their growth.

80. (Amended) The method of claim 74, wherein said [expression construct is a viral vector] tumor is a tumor of the lung, skin, prostate, liver, testes, bone, brain, colon, pancreas, head and neck, stomach, ovary, breast or bladder.

81. (Amended) The method of claim [80] 74, wherein said viral [vector] expression construct is selected from the group consisting of a retroviral vector, an adenoviral vector and an adeno-associated viral vector.

109. (Amended) A method [for treating] of inhibiting tumor cell growth in a mammalian subject having a solid tumor comprising the step of continuously perfusing a tumor site in said patient with [with an] a viral expression construct comprising a promoter functional in eukaryotic cells and a polynucleotide encoding a functional p53 polypeptide, wherein said polynucleotide is positioned sense to and under the control of said promoter, the administration resulting in expression of said functional p53 polypeptide in cells of said tumor and inhibition of their growth.

115. (Amended) The method of claim 109, wherein said [expression construct is a viral vector] tumor is a tumor of the lung, skin, prostate, liver, testes, bone, brain, colon, pancreas, head and neck, stomach, ovary, breast or bladder.

B8

116. (Amended) The method of claim [115] 116, wherein said viral [vector] expression construct is selected from the group consisting of a retroviral vector, an adenoviral vector and an adeno-associated viral vector.

Please add the following new claims:

-- 138. (New) The method of claim 1, wherein said expression vector is administered topically.

139. (New) The method of claim 1, wherein said expression vector is administered intratumorally.

B9

140. (New) The method of claim 1, wherein said expression vector is administered intravenously.

141. (New) The method of claim 1, wherein said expression vector is administered orally.

142. (New) The method of claim 74, wherein said expression vector is administered topically.

143. (New) The method of claim 74, wherein said expression vector is administered intratumorally.

144. (New) The method of claim 74, wherein said expression vector is administered intravenously.

145. (New) The method of claim 74, wherein said expression vector is administered orally.--

REMARKS

Claims 1-137 are pending in the application, and claims 1-20 and 26-137 are under examination, claims 21-25 having been withdrawn pursuant to a restriction requirement. All claims stand rejected under 35 U.S.C. §112, first paragraph, and claims 1, 15, 38, 74 and 109 stand rejected under 35 U.S.C. §112, second paragraph. Claims 1, 3, 11, 15, 16 and 26 stand rejected under 35 U.S.C. §102(a) as anticipated by Liu *et al.* (1995) ("Liu I") or Clayman *et al.* ("Clayman"). Claims 1-20 and 26-137 stand rejected under 35 U.S.C. §103(a) as obvious over Liu *et al* (1994) ("Liu II"), Clayman or Wills *et al.* ("Wills") in view of Zhang *et al.* ("Zhang") or